

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Stormwater Management Law

38 M.R.S.A. § 420-D

STORMWATER
PERMIT BY RULE (PBR) APPLICATION



Note:

This packet of application information applies only to projects eligible for a stormwater Permit by Rule (PBR).

This application has been revised to reflect changes to Maine's Stormwater Management Law, Chapters 500 and 502, effective November 16, 2005.

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Insert Maine Map here

Section 1. Information Concerning the Application Process

A. When a project qualifies for a stormwater PBR. A project qualifies for a stormwater PBR if it results in one or more acres of disturbed area and the following:

- (1) Less than 20,000 square feet of impervious area and 5 acres of developed area in the direct watershed of a lake most at risk or urban impaired stream; and
- (2) Less than one acre of impervious and five acres of developed area in any other watershed.

B. When a project does not qualify for a stormwater PBR. A project does not qualify for a PBR when it takes place on a parcel subject to a Site Location of Development Act permit or an individual permit under the Stormwater Management Law.

C. Notification. An applicant must file notice of the project with the department prior to beginning work on the project. The applicant shall use the notification form (Section 2) provided by the department and must include the required submissions (Section 3). The applicant must keep a copy to serve as the permit. The notification form and required submissions must be sent to the department by certified mail (return receipt requested), or hand delivered to the department and date stamped by the department.

The stormwater PBR becomes effective 14 calendar days after the department receives the notification form, unless the department approves the notification or finds the notification deficient prior to that date. Within this 14 day period, the department may notify the applicant in writing or through verbal communication that the project is ineligible for stormwater PBR, or that additional information or further review is needed. If the department does not inform the applicant that the notification is unacceptable within the 14-day period, the notification is deemed accepted by the department.

By signing the notification form, the applicant is representing that the activity will meet the applicability requirements and standards of the rule. In addition, by signing the notification form the applicant represents that the applicant has sufficient title, right, or interest in the property where the proposed activity is to take place.

D. Essential habitat. Essential habitats include areas critical to the survival of threatened and endangered species such as the bald eagle, least tern, roseate tern, and piping plover. If the activity is located in essential habitat, such as near an eagle nesting site, a PBR is only available if the applicant obtains written approval from the Department of Inland Fisheries and Wildlife (IF&W). This approval from IF&W must be submitted to the DEP with the PBR notification form, and the applicant must follow any conditions stated in the IF&W approval.

NOTE: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (for unorganized territories) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a “certification of review and approval”.

E. Where to send your PBR application. Please send your PBR to the DEP office serving the area where the project is located. Elsewhere in this packet is a map showing the towns served by the regional offices and the regional office mailing addresses.

F. Assistance and materials. Questions concerning your project’s eligibility or application requirements should be directed to the Division of Land Resource Regulation at any of the Department’s regional offices. The following list includes other materials that may also be helpful.

Maine Erosion and Sediment Control Handbook from Construction: Best Management Practices (March 2003). Available from Cumberland County SWCD , 35 Main Street, Windham, Maine 04062 (892-4700). Cost: \$20 (subject to change). Also on the web at <http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm>.

Stormwater Management for Maine: Best Management Practices (January 2006). Available from the Nonpoint Source Training and Resource Center, at the DEP office in Augusta (287-7726). Cost: \$20 (subject to change).

Stormwater Management Law, 38 M.R.S.A. § 420-D. Available from any DEP office.

Stormwater Management Rules, Chapters 500 and 502. Available from any DEP office. Links to the stormwater rules and other information can be found at <http://www.maine.gov/dep/blwq/docstand/stormwater/storm.htm>.

General Permit – Construction Activity, Maine Pollutant Discharge Elimination system (MPDES) with Basic Performance Standards Appendices. Also on the web at <http://www.maine.gov/dep/blwq/docstand/stormwater/construction.htm>.

- G. Fees.** Attach the appropriate PBR application fee of fifty five dollars (\$55.00) to the application. All fees must be paid at the time the application is submitted to the department. Checks should be made payable to: Treasurer, State of Maine.
- H. Appeal and Failure to Comply.** The denial of a PBR by the Department is not a final agency action and is therefore not able to be appealed. Persons aggrieved by an approval of a PBR may appeal the decision within 30 days following final action. Failure to comply with PBR standards may lead to action by department enforcement staff, including fines and revocation of the permit.
- I. Permit extensions.** An individual permit issued under the Stormwater Management Law may be extended one time using a Stormwater PBR, provided that the approved project has not begun and the permit has not expired. If a Stormwater PBR needs to be extended, the applicant may file a revised Stormwater PBR notification form for a one-time extension.
- J. Meeting Maine Construction General Permit (MCGP) requirements.** The DEP has made it possible to also meet the requirements of the MCGP when filing for a stormwater PBR. To do so, a separate signature block, stating a Notice of Intent, included in this packet, must be signed. By signing, you agree to meet the MCGP standards and must file a Notice of Termination (NOT) within 20 days of completing permanent stabilization of the project site. A NOT form is included in this packet (Appendix A) and there is no fee for filing one.
- K. Discretionary Authority.** Notwithstanding compliance with the PBR requirements and standards contained in this document and in Chapter 500, the department may require an individual stormwater permit application to be obtained in any case where the department determines that the activity:
- (1) May violate the standards of the Stormwater Management Law;
 - (2) Could lead to significant environmental impacts, including cumulative impacts; or
 - (3) Could have an unreasonable adverse impact on a protected natural resource.

Section 2. Forms

APPLICATION FORM INSTRUCTIONS:

Most of the information requested on the application form is self-explanatory. However, guidance on filling out some requested information on the form is included below.

Blocks 1 through 4. “Applicant” refers to the name of the landowner or the entity that has title, right or legal interest in the property. If the applicant is an agency, company, corporation, or other organization, please include the organization's name and the name of a staff person that can be contacted about the application.

Blocks 5 through 8. An “agent” is someone who represents the applicant. If the applicant chooses to have an agent, please provide the name of the person chosen and a letter of authorization from the applicant. The agent may be a consultant, contractor, engineer, or other person willing to provide assistance. If the DEP has any questions about the application, the agent will be contacted first. The applicant will always be sent a copy of any letters written about the activity. If an agent is not being retained, do not fill in Blocks 5, 6, 7, and 8.

Block 9. Location of project. Write in the street address of the project or the name of the nearest road, street, or route number.

Blocks 10 and 11. Town and County. Write in the name of the town or city and county where the project site is located.

Block 12 Renewal. Indicate whether or not that this application is for renewal of an individual stormwater permit.

Block 13. Type of direct watershed. Check the box next to the type of watershed the project is located in. If more than one watershed is affected, please check all that apply. The Department and some municipal offices can help you with this information.

Block 14. Amount of developed area. Write in the amount of developed area in square feet or acres that will be created by the project. The definition of “developed area” is found in an appendix to this application pamphlet.

Block 15. Amount of impervious area. Write in the amount of impervious area in square feet or acres that will be created by the project. The definition of “impervious area” is found in an appendix to this application pamphlet.

Block 16. Common plan of development. Indicate whether the project is a subdivision as defined by the Land Use Regulation Commission (LURC), or determined by the municipality in which the project is located.

Block 17. Is the activity part of a larger project? Indicate “yes” or “no”.

Block 18. Identify the waterbody or waterbodies to which the project site area drains. If your project area drains to a named waterbody, please identify it.

Block 19. If the site drains to an Impaired Waterbody (C), identify waterbody.

Block 20. Brief project description. In several sentences, describe the project. A more detailed narrative may be provided and labeled “Block 18.”

Block 21. Size of lot or parcel and UTM locations, if known. Indicate the total area of the parcel on which the project is located in either square feet or acres.

Block 22. Deed Reference Numbers. Deed reference numbers showing book and page may be obtained at the Registry of Deeds in the County where the project is located or from tax records at the town office.

Block 23. Tax Map # and Tax Lot #. This information may be obtained from the local tax bill, tax assessor or town office in the town where the project is located.

Block 24. DEP staff previously contacted regarding this project.

Block 25. Project started prior to application? Check yes or no regarding whether any part of the project, including land clearing has been started before the application was submitted to the department. Is this application being submitted after the project was completed ("After the Fact")? Check yes or no. [Note: After-the-fact projects are subject to double application fees.]

Block 26. Resubmission. If an application was submitted to the DEP and was then either withdrawn by the applicant or returned as deficient by the DEP, check yes. What was the prior DEP project #?

Block 27. Prior Project manager.

Block 28. Written Notice of Violation. If you have received a written notice of violation from the DEP for all or part of this project, check yes. If you checked yes, write in the name of the staff person as identified on the notice of violation.

Block 29. Detailed directions to the project site. Provide detailed directions to the project site from a known location or landmark so that a site visit may be made, if necessary. Include highway and street numbers as well as names. Also provide distances from known locations or landmarks and any other information that may be helpful in locating the site.

Block 30. Submissions. This block outlines what attachments to the application form are required. This is a summary of application requirements.

1. Name of Applicant:		5. Name of Agent: (if applicable)	
2. Applicant's Mailing Address:		6. Agent's Mailing Address:	
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:	
4. Applicant's Fax #: (if available)		8. Agent's Fax # and email address:	
9. Location of Project: (Road, Street, Rt.#)		10. Town:	
		11. County:	
12. Is this PBR for renewal of an individual stormwater permit? If yes, skip to Block 27 and signature page. <input type="checkbox"/> Yes <input type="checkbox"/> No			
13. Type of Direct Watershed: (Check all that apply)		14. Amount of Developed Area:	
<input type="checkbox"/> Lake not most at risk <input type="checkbox"/> Lake most at risk <input type="checkbox"/> Lake most at risk, severely blooming <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Urban impaired stream <input type="checkbox"/> Freshwater wetland <input type="checkbox"/> Coastal wetland <input type="checkbox"/> Wellhead of public water supply		<input type="checkbox"/> Total # of _____ acres OR <input type="checkbox"/> Total # of _____ square feet	
		15. Amount of Impervious Area:	
		<input type="checkbox"/> Total # of _____ acres OR <input type="checkbox"/> Total # of _____ square feet	
16. Creating a common plan of development or sale?		17. Is this activity part of a larger project?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
18. Name of waterbody (ies) to which the disturbed area drains, or name of municipality if drains to an MS4:		19. If site drains to an Impaired Waterbody (C), please identify:	
20. Brief Project Description:			
21. Size of Lot or Parcel and UTM locations, if known:		21. UTM Northing, if known:	
<input type="checkbox"/> _____ square feet OR <input type="checkbox"/> _____ acres		<input type="checkbox"/> _____ UTM Easting, if known:	
22. Deed Reference Numbers:		23. Map and Lot Numbers:	
Book#: _____ Page#: _____		Map #: _____ Lot #: _____	
24. DEP Staff Previously contacted		25. Project started prior to application?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
26. Resubmission of Application?		27. Prior project manager:	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
28. Written Notice of Violation?		28. If yes, name of DEP enforcement staff involved:	
<input type="checkbox"/> Yes → <input type="checkbox"/> No			
29. Detailed Directions to the Project Site: (Attach separate sheet if necessary)			
30. SUBMISSIONS ▼			
<input type="checkbox"/> This form (signed and dated) <input type="checkbox"/> Fee <input type="checkbox"/> Dept. of Inland Fisheries and Wildlife Approval (if in Essential Habitat) <input type="checkbox"/> Photos of Area <input type="checkbox"/> ESC Plan <input type="checkbox"/> Location Map <input type="checkbox"/> Site Plan			
For Renewal of an individual Stormwater permit only: <input type="checkbox"/> This form (signed and dated) <input type="checkbox"/> Copy of original stormwater permit <input type="checkbox"/> Fee			
Does the agent have an interest in this project? If yes, what is the interest?			

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

CERTIFICATIONS / SIGNATURES**Applicant's Statement:**

I am applying for a Stormwater PBR and have attached the required PBR submissions. I have read the requirements herein and I affirm that my project satisfies the applicable stormwater management standards. I authorize staff of State and Federal agencies having jurisdiction over this activity, to access the project site for the purpose of determining compliance with the rules.

Signed: _____ Date: _____

**Notice of Intent to Comply
with Maine Construction
General Permit**

With this Stormwater PBR notification form and my signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit. I have read and will comply with all of the MCGP standards. In addition, I will file a Notice of Termination (NOT) within 20 days of project completion.

If this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign.

Signed _____ Date: _____

Section 3. Stormwater PBR Submissions.

Submissions. Applicants for a stormwater PBR must submit the notification form, fee and other information for the Department's review and approval. This information includes a location map, site plan, erosion and sedimentation control plan, and photographs of the area to be developed. Also, if the project is located in Essential Habitat, approval from the Maine Department of Inland Fisheries and Wildlife will need to be submitted. Specific submission requirements are described below.

1. Plan preparation. An erosion and sedimentation control plan accompanying a stormwater PBR must be designed by a professional who is registered, licensed, or certified in a related land-use field, or by education, training, or experience is knowledgeable in erosion and sedimentation control, or has received specific training in erosion and sedimentation control at a department-sponsored erosion and sedimentation control workshop.

NOTE: An applicant may use erosion and sedimentation control BMPs described in the "Citizen's Guide to Best Management Practices for Use with Maine Construction General Permit" or in "Maine Erosion and Sediment Control BMPs," Maine Department of Environmental Protection.

2. Location map. The Notification form must be accompanied by a photocopy of a portion of a 7.5 minute USGS topographic map or a DeLorme Atlas map showing the site's location and approximate property boundaries, if the size of the parcel and scale of the map allows it. A USGS topographic map can be useful for showing the general contour and topography of the project site.

3. Site plan. Submit a scaled plan showing, at a minimum, the locations of structures and roads, the extent of disturbed land, pre-construction site topography, post-construction site topography, on-site and adjacent surface waterbodies, and all erosion and sedimentation control measures to be used on the site. Such measures include, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs.

An applicant may substitute the following information for surveyed pre-development and post-development site topography on the location plans:

- a. the locations of high points on the site,
- b. the locations of any ponds or other runoff storage depressions on the site,
- c. the locations and flow direction of any drainage ditches, brooks, or streams,
- d. the locations of any catch basin inlets or culvert inlets, and
- e. arrows showing the general direction(s) of overland drainage for the site.

4. Erosion and Sedimentation Control plan. In addition to a site plan, an erosion control plan must be included which contains, at a minimum, permanent stabilization measures to be taken (e.g. paving or planting vegetation), installation details of the erosion control measures proposed to be used, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. See Section 4A of this packet for expanded and more detailed guidance on erosion and sedimentation control plans. **This plan and its details may be included on the site plan instead of being a separate submission.**

NOTE: A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S.A. § 480-B. Sediment control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken. The site must be maintained to prevent unreasonable erosion and sedimentation. See 38 M.R.S.A § 420-C (in part). Other or additional standards may apply, under the Natural Resources Protection Act, to a project located in or adjacent to a protected natural resource.

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5. **Photos.** Provide photographs of the project site that show the existing character and topography of the area proposed for development.
 6. **Certificate of Good Standing.** If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

Section 4. Stormwater PBR Standards

A. IN ACCORDANCE WITH THE EROSION AND SEDIMENTATION CONTROL PERFORMANCE STANDARDS REQUIRED BY CHAPTER 500, ALL PROJECTS MUST COMPLY WITH THE FOLLOWING STANDARDS, AT A MINIMUM:

1. **Pollution prevention.** Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable. The discharge may not result in erosion of any open drainage channels, swales, upland, or coastal or freshwater wetlands.

NOTE: Buffers improve water quality by helping to filter pollutants in run-off both during and after construction. Minimizing disturbed areas through phasing limits the amount of exposed soil on the site through retention of natural cover and by retiring areas as permanently stabilized. Less exposed soil results in fewer erosion controls to install and maintain. If work within an area is not anticipated to begin within two weeks time, consider leaving the area in its naturally existing cover.

2. **Sediment barriers.** Prior to construction, properly install sediment barriers at the edge of any downgradient disturbed area and adjacent to any drainage channels within the disturbed area. Maintain the sediment barriers until the disturbed area is permanently stabilized.
3. **Temporary stabilization.** Stabilize with mulch or other non-erodable cover any exposed soils that will not be worked for more than 7 days. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.
4. **Removal of temporary sediment control measures.** Remove any temporary sediment control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

NOTE: It is recommended that silt fence be removed by cutting the fence materials at ground level to avoid additional soil disturbance.

5. **Permanent stabilization.** If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, soil and moisture conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established. If necessary, areas must be seeded and mulched again if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.

- (a) Seeded areas. For seeded areas, permanent stabilization means a 90% cover of healthy plants with no evidence of washing or rilling of the topsoil.

- (b) Sodded areas. For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
- (c) Permanent Mulch. For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
- (d) Riprap. For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
- (e) Agricultural use. For construction projects on land used for agricultural purposes (e.g., pipelines across crop land), permanent stabilization may be accomplished by returning the disturbed land to agricultural use.
- (f) Paved areas. For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed.
- (g) Ditches, channels, and swales. For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.

6. Winter construction. "Winter construction" is construction activity performed during the period from November 1 through April 15. If disturbed areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by additional measures and restrictions.

NOTE: For guidance on winter construction standards, see the "Maine Erosion and Sediment Control BMPs", Maine Department of Environmental Protection.

- 7. Stormwater channels.** Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using measures that achieve long-term erosion control. Ditches, swales, and other open stormwater channels must be designed to handle, at a minimum, the expected volume of run-off. Each channel should be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring. Permanent stabilization of channels is addressed under Appendix A(5)(g) above.
- 8. Roads.** Gravel and paved roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is delivered immediately to adjacent stable ditches, vegetated buffer areas, catch basin inlets, or street gutters.
- 9. Culverts.** Culverts must be sized to avoid unintended flooding of upstream areas or frequent overtopping of roadways. Culvert inlets must be protected with appropriate materials for the expected entrance velocity, and protection must extend at least as high as the expected maximum elevation of storage behind the culvert. Culvert outlet design must incorporate measures, such as

aprons or plunge pools, to prevent scour of the stream channel. The design must take account of tailwater depth.

- 10. Parking areas.** Parking areas must be constructed to ensure runoff is delivered to adjacent swales, catch basins, curb gutters, or buffer areas without eroding areas downslope. The parking area's subbase compaction and grading must be done to ensure runoff is evenly distributed to adjacent buffers or side slopes. Catch basins must be located and set to provide enough storage depth at the inlet to allow inflow of peak runoff rates without by-pass of runoff to other areas.

- 11. Additional requirements.** Additional requirements may be applied on a site-specific basis.

B. *IN ACCORDANCE WITH THE INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS REQUIRED BY CHAPTER 500, ALL PROJECTS MUST COMPLY WITH THE FOLLOWING STANDARDS:*

- 1.** Inspect disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as before and after a storm event, and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.
- 2.** Maintain all measures in effective operating condition until areas are permanently stabilized. If best management practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (rainfall).
- 3.** Keep a log (report) summarizing the inspections and any corrective action taken. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

C. *IN ACCORDANCE WITH THE HOUSEKEEPING PERFORMANCE STANDARDS REQUIRED BY CHAPTER 500, ALL PROJECTS MUST COMPLY WITH THE FOLLOWING STANDARDS:*

- 1. Spill prevention.** Controls must be used to prevent pollutants from being discharged from materials on site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.
- 2. Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1).

- 3. Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

NOTE: An example of the use of BMPs to control fugitive sediment and dust is as follows. Operations during wet months that experience tracking of mud off the site onto public roads should provide for sweeping of road areas at least once a week and prior to significant storm events. Where chronic mud tracking occurs, a stabilized construction entrance should be provided. Operations during dry months, that experience fugitive dust problems, should wet down the access roads once a week or more frequently as needed.

NOTE: Dewatering a stream without a permit from the department violates state water quality standards and the Natural Resources Protection Act.

- 4. Debris and other materials.** Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.

NOTE: To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

- 5. Trench or foundation de-watering.** Trench de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the department.

NOTE: For guidance on de-watering controls, consult the Maine Erosion and Sediment Control BMPs", Maine Department of Environmental Protection."

- 6. Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges.

- 7. Additional requirements.** Additional requirements may be applied on a site-specific basis.

D. *UNLESS OTHERWISE SPECIFICALLY STATED IN THE APPROVAL, A DEPARMENT STORMWATER PBR APPROVAL IS SUBJECT TO THE FOLLOWING STANDARD CONDITIONS.*

- 1. Approval of variations from plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.

2. **Compliance with all terms and conditions of approval.** The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
3. **Advertising.** Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
4. **Transfer of project.** Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
5. **Initiation of project within two years.** If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
6. **Reexamination after five years.** If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
7. **Certification.** Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
8. **Maintenance.** The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.

Section 5. Definitions

The following definitions are taken directly from the Maine Construction General Permit, July 20, 2004 and Chapter 500, Section 3, revised November 16, 2006.

- A. Common plan of development or sale.** A "common plan of development or sale" means a subdivision as determined by the Land Use Regulation Commission (LURC), or a subdivision under municipal law as determined by the municipality where the subdivision is located.
- B. Developed area.** "Disturbed area" excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of disturbance. "Same vegetative cover type" may include hydrologically improved cover type. For example, an area that was previously pasture may be replanted as forest.
- C. Direct watershed of a waterbody or wetland.** The land area that drains, via overland flow, natural or man-made drainage systems, or waterbodies or wetlands, to a given waterbody or wetland without first passing through an upstream waterbody classified as GPA.
- D. Disturbed area.** All land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project.

"Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area".

A disturbed area continues to be considered as disturbed area if it meets the definition of "developed area" or "impervious area" following final stabilization .

- E. Erosion and sedimentation control best management practices (erosion control BMPs).** Methods, techniques, designs, practices, and other means to control erosion and sedimentation, as approved or required by the department.

NOTE: For guidance, see "Maine Erosion and Sediment Control BMPs Maine Department of Environmental Protection (March 2003)."

- F. Erosion control mix.** A type of mulch that consists primarily of organic material such as shredded bark, stump grindings, composted bark, or fragmented wood generated as a by-product from log handling at wood mills. It includes a well-graded mixture of particle sizes with a mineral content that is less than 20% by weight, and is free from construction debris, refuse, and contaminants.
- G. Impervious area.** The total area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater.

A natural or man-made waterbody is not considered an impervious area, but is treated as an immediate runoff surface in curve number calculations.

- H. Stormwater.** The part of precipitation, including runoff from rain or melting ice and snow, that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.
- I. Watershed.** The land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland.

APPENDIX A

NOTICE OF TERMINATION
for use with CONSTRUCTION GENERAL PERMIT

PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

Name of Applicant (Owner):		Applicant Mailing Address:			
Town/City:		State:		Zip Code:	
Daytime phone: (with area code)		E Mail, if available:			
Name of Agent:		Agent Phone #:		Permit number (if known):	
Project Location (Town/City):		UTM Northing: (if known)		UTM Easting: (if known)	
Map #:		Lot #:		County:	
Name of waterbody(ies) to which the disturbed area drains, or name of municipality if area drains to an MS4:					
Name/description of project					

I am filing notice of my Notice of Termination indicating that permanent stabilization has been completed or, if the project was a common plan of development or sale, that the requirements of the Construction General Permit at Part IV(B)(2) have been completed. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

- ☐ ALL: Photographs showing the completed project and affected area, except as provided in Part IV(B)(3)(c) of the MCGP.
- ☐ IF this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign; OR
- ☐ Check here to reference documentation showing authorization to sign that was submitted with the Notice of Intent if the documentation showing authorization to sign applies and is still current.

I authorize staff of the Departments of Environmental Protection to access the project site for the purpose of determining compliance with the general permit.

Signature of Applicant:		Date:	
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Retain your records. The permittee is required to retain copies of any forms, submissions, reports, or other materials required by this general permit for a period of at least three years from the completion of permanent stabilization.

OFFICE USE ONLY			Staff	Staff	
NOI #	FP	Date	Acc. Date	Def. Date	After Photos